

**UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TENNESSEE
KNOXVILLE DIVISION**

**KENNETH KELLEY, as the son, next of kin,)
and heir at law of JIMMY L. KELLEY,)
deceased,)**

Plaintiff,)

v.)

**HOWARD BERGER COMPANY, INC.,)
HOWARD BERGER COMPANY, LLC,)
PRECISION MEDICAL, INC.,)
AIRSEP CORPORATION,)
AMERICAN BANTEX CORPORATION)
ROSCOE MEDICAL, INC.,)
JOHN DOE AND)
APRIA HEALTCARE, INC.)**

Defendants.)

No. 3:13-cv-00096

Judge David L. Bunning

Magistrate Judge H. Bruce Guyton

**AMENDED STIPULATION OF VOLUNTARY DISMISSAL AS TO DEFENDANTS
ROSCOE MEDICAL, INC. AND AMERICAN BANTEX CORPORATION**

Upon stipulation of the Parties, as evidenced by the signatures of their counsel below, plaintiff's complaint is hereby DISMISSED with prejudice as to the claims against Roscoe Medical, Inc. and American Bantex Corporation.

STIPULATED:

LAW OFFICE OF ERIC B. FOUST

s/ Eric B. Foust

Eric B. Foust, BPR #029808

422 South Gay Street, Suite 302
Knoxville, TN 37902
(865) 250-5182

Dan Stanley
Stanley & Kurtz, PLLC
422 South Gay Street, Suite 302
Knoxville, TN 37902
(865) 522-9942

Attorneys for Plaintiff

WOOLF, McCLANE, BRIGHT, ALLEN
& CARPENTER, PLLC

/s/ Tony R. Dalton

Tony R. Dalton, BPR #014812

900 S. Gay Street, Suite 900
P.O. Box 900
Knoxville, Tennessee 37901
(865) 215-1000
(865) 215-1001 (fax)

*Attorney for American Bantex Corporation and
Roscoe Medical, Inc.*

O'NEIL, PARKER & WILLIAMSON, PLLC

/s/ William A. Young

William A. Young, BPR #01345

7610 Gleason Drive, Suite 200
Knoxville, TN 37919
(865) 546-7190
(865) 546-0789
byoung@opw.com

Attorney for Airsep Corporation

LEWIS, KING, DRIEG & WALDROP, P.C.

/s/ Mary Ann Stackhouse

Mary Ann Stackhouse, BPR #017210

One Centre Square, Fifth Floor
620 Market Square
Knoxville, TN 37901
(865) 546-4646
mstackhouse@lewisking.com

Attorney for Defendant, Precision Medical, Inc.

DUNCAN, HATCHER, HIXSON & FLEENOR,
P.C.

/s/ Phillip E. Fleenor

Phillip E. Fleenor, BPR #012075

1418 McCallie Avenue
Chattanooga, TN 37404
423-266-2207
pfleenor@duncanhatcher.com

Attorney for Apria Healthcare, Inc.

LEITNER, WILLIAMS, DOOLEY &
NAPOLITAN, PLLC

/s/ Joshua A. Wolfe

Joshua A. Wolfe, BPR #023101

180 Market Place Blvd
Knoxville, TN 37922
865-523-0404
Joshua.wolfe@leitnerfirm.com

Attorney for Howard Berger Company, LLC

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing pleading was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's electronic filing system.

This the 10th day of December, 2013.

/s/Tony R. Dalton

Tony R. Dalton, BPR #014812